

RECORD VERSION

STATEMENT BY

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BEFORE

BENEFITS SUBCOMMITTEE ON VETERANS AFFAIRS

UNITED STATES HOUSE OF REPRESENTATIVES

SECOND SESSION, 107TH CONGRESS

JUNE 11, 2002

PROPOSED CHANGES IN BURIAL ELIGIBILITY

**NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
VETERANS COMMITTEE**

I appreciate the opportunity to appear before this committee to discuss eligibility for burial at Arlington National Cemetery and the "Arlington National Cemetery Burial Eligibility Act."

Arlington National Cemetery is America's most prominent national cemetery and serves as a shrine honoring the men and women who have served in the Armed Forces. It is a visible reflection of America's appreciation for those individuals whose acts and accomplishments reflect the highest service to the country.

Since its' founding in 1864, the cemetery has functioned primarily as a military burial ground. Over the years, the symbolic significance of Arlington National Cemetery has evolved. The cemetery has become recognized as the Nation's foremost national memorial to its military members and is the final resting place of Presidents and other leading public figures. It has also become the site of major memorial events and ceremonies, as well as a significant attraction for visitors to the Washington area.

In Fiscal Year 2001, there were 3,727 interments and 2,212 inurnments. In Fiscal Year 2002, we estimate there will be 3,800 interments and 2,500 inurnments. Looking ahead to Fiscal Year 2003, we estimate there will be 3,925 interments and 2,700 inurnments.

Title 32 of the Code of Federal Regulations sets forth the criteria for burial eligibility in Arlington National Cemetery. The Army, as the Executive Agent for the Cemetery, strives to implement these regulations fairly and consistently. We must endeavor to preserve Arlington as a National Shrine honoring the men and women who have served in the Armed Forces and those Americans who have made extraordinary public contributions to our Nation and our Armed Forces.

Although we acknowledge that the “Arlington National Cemetery Burial Eligibility Act” provides exception authority, we nonetheless object to the legislation. We believe that burial eligibility standards at Arlington should continue to be governed through regulations promulgated by the Secretary of the Army, rather than by statute. We believe that these procedures have been effective in attaining the goals of fairness, consistency and efficient use of space. The current regulatory regime provides the Army, as Executive Agent, the framework and flexibility needed to address unusual cases in a timely, fair and appropriate manner.

We note that the “Arlington National Cemetery Burial Eligibility Act” would expand burial eligibility to several categories that are not now recognized under the regulations in effect. These include members of a reserve component who at the time of death were under 60 years of age and who, but for age, would have been eligible for retired pay; members of the Armed Forces who die in the line of duty while on active duty for training; and certain remarried surviving spouses.

The Army is very concerned that expanding burial eligibility to new categories of individuals will create inequities. While the Army appreciates the actions of the Congress and this Committee in making additional land available to the Cemetery, space will eventually run out. In light of these constraints, expanding burial eligibility will eventually cause the denial of the privilege to other eligible persons. Expanding burial eligibility may also create difficulties for those families whose loved ones had been denied burial privileges prior to the changes.

For these reasons, the Army opposes legislation that would expand categories of eligible individuals beyond those contained in the regulations now in effect. In December 2001, the Army provided testimony to this Subcommittee expressing concern with H.R. 3423, which would extend burial privileges in Arlington

National Cemetery to certain current and former reserve component members of the Armed Forces and their dependents. While the long-term impact of the proposed expansions is uncertain, we objected to H.R. 3423 based on the impact on space availability and the fact that the expansion would eventually require denial of this privilege to eligible persons in categories that have existed for decades. At the same time, the Army values greatly the major contribution being made by members of our reserve components each and every day. The over 30,000 members currently serving on active duty in the Reserves and the Guard are eligible for burial in Arlington National Cemetery, if they should die while they are currently serving.

We also note that the “Arlington National Cemetery Burial Eligibility Act” would eliminate burial eligibility for several narrowly defined categories. The Army believes that these individuals, including top leadership in the Department of Defense and other high-level government officials, should continue to receive, by virtue of their service to Nation, the special honor afforded by burial in Arlington.

Thank you for providing me with the opportunity to present our views on the “Arlington National Cemetery Burial Eligibility Act.” I look forward to answering your questions.

